



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, September 13, 2011, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Bucky Couch, Vice-Chair
Sherwood Bishop, Commissioner
Randy Bryan, Commissioner
Curtis O. Seebeck, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner*

AGENDA

- 1. Call to Order.**
- 2. Roll Call.**
- 3. Chairperson's Opening Remarks.**
- 4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
- 5. Citizen Comment Period.**

Consent Agenda

- 6. Consider approval of the minutes from the Regular Meeting on August 23, 2011.**
- 7. PC-11-30(03) (Promiseland Church-Final Plat).** Consider possible action on a request by Hunter Shadburne, on behalf of Promiseland San Marcos, Inc. for approval of a final plat for approximately 20.27 acres of property located at 1650 Lime Kiln Road.
- 8. PC-11-14(03) (Aspen Heights- Final Plat).** Consider possible action on a request by Aspen Heights, on behalf of 90 San Marcos, DRFM Investments and Tony Kalantari, and Majid Hemmasi, for approval of a final plat for approximately 22.90 acres of property located at the terminus of Telluride Drive.
- 9. PC-11-26(03) (Blanco Shoals- Final Plat).** Consider possible action on a request by Byrn and Associates, on behalf of Armbruster Holt, Ltd. for statutory denial of a final plat for approximately 39.03 acres of property located along the IH-35 north bound access road at River Ridge Pkwy.

Public Hearing

- 10. LUA-11-18 (525 W. Hutchinson).** Hold a Public Hearing and consider possible action on a request by ETR Development Consulting, agent for Aqua-Firm Partners (Aqualand), for a Future Land Use Map Amendment from Public (P) to Medium Density Residential (MDR), for a .182 acre tract described as Part of Lot 15 Block 3 of the Lindsey Harvey Addition, and located at 525 W. Hutchinson St.
- 11. ZC-11-28 (525 W. Hutchinson).** Hold a Public Hearing and consider possible action on a request by ETR Development Consulting, agent for Aqua-Firm Partners (Aqualand), for a Zoning Change from Public and Institutional (P) to Multi-Family - 12 (MF-12), for a .182 acre tract described as Part of Lot 15 Block 3 of the Lindsey Harvey Addition, and located at 525 W. Hutchinson St.

12. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Development Services Report

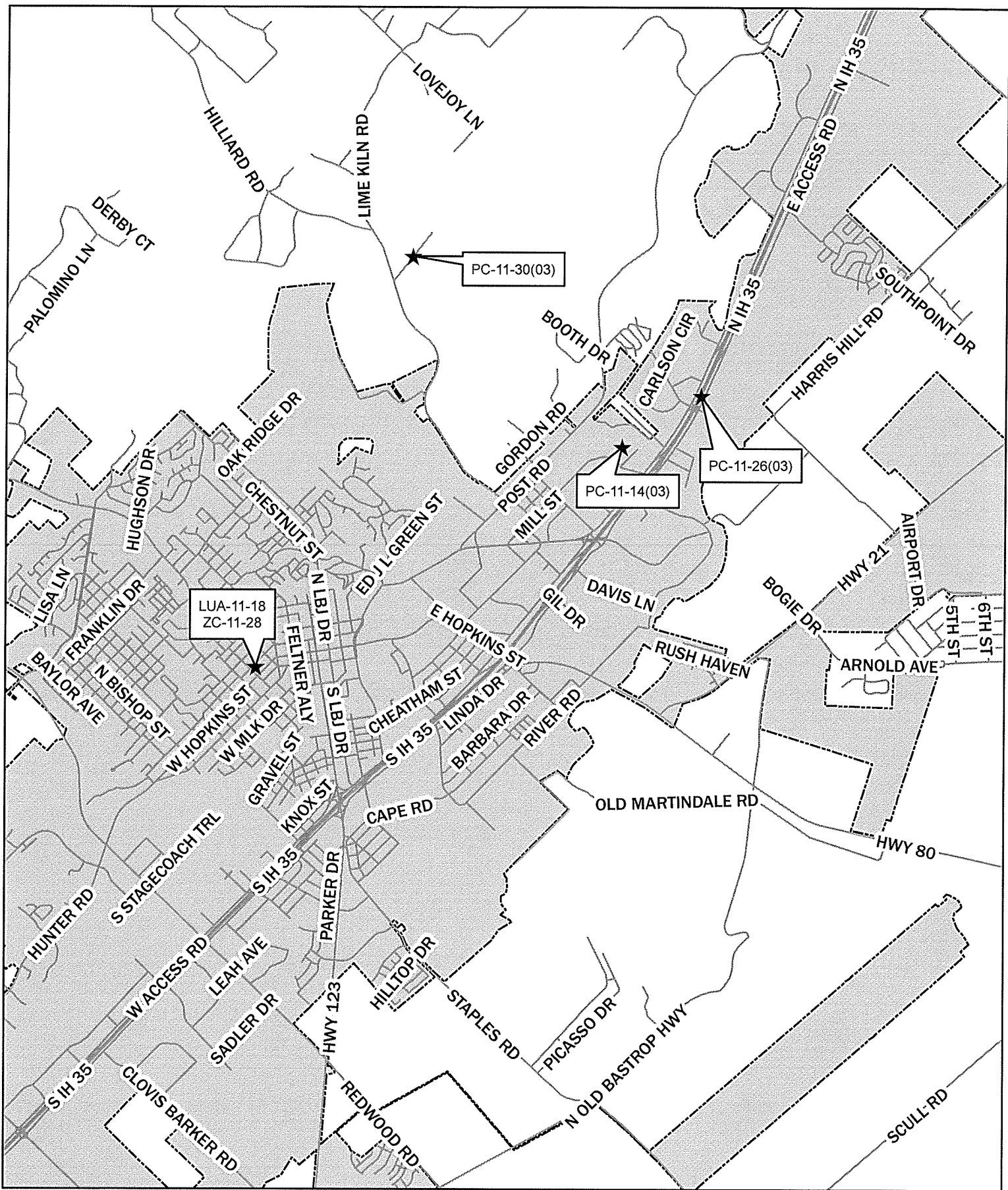
- a) Land Development Code Revisions workshop
- b) Texas State Planning Class meet and greet

Commissioners' Report.

13. Questions from the Press and Public.

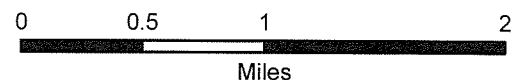
14. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



**Planning and Zoning
Commission Meeting
September 13, 2011
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
August 23, 2011**

1. Present

Commissioners:

Bill Taylor, Chair
Sherwood Bishop
Travis Kelsey
Kenneth Ehlers
Carter Morris
Chris Wood
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Sofia Nelson, Chief Planner
Christine Holmes, Chief Planner
Francis Serna, Recording Secretary

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday August 23, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

Polly Wright, 1134 W. Hopkins Street stated that when Hopkins Street was created a Historic District there would be no more mixed use zoning. She pointed out that there are over 20 empty businesses in downtown. Ms. Wright felt that there is no need for additional businesses or anything else. There are currently plenty of apartments. She added that the city needs more single family residents for people to live and can afford. Ms. Wright stated she lives in a rent house and that many people live in rental houses. She asked the Commission to consider her comments. She said that the city has lost enough old houses and that they do not need any more businesses on Hopkins Street.

Nellie Gonzales, 232 Uhland Road, said that the idea of townhouses in the neighborhood is not the objection. It is the size and the height of the proposed townhomes. She stated Bobcat Village approved 7 years ago said that the traffic would not increase. Ms. Gonzales commented that traffic issues have become an issue since Bobcat Village was developed. She added that other concerns include 4 bedroom townhouses which will decrease traffic flow; increase traffic hazards; increase of on street parking; no green space or recreational area; decline in property values; possible increase in crime rate due to high density; excessive noise levels; the compatibility to the neighborhood. The adjacent property owners have proposed that townhomes be restricted to one story dwellings; a maximum of two non related persons living in each

townhome; decrease bedroom size from 4 to 2 or 3 bedrooms per unit; provide each townhome with a recreational area.

Steve Ramsey, Ramsey Engineering, 3206 Yellowpine Terrace, Austin, TX stated he was present on behalf of the applicant, Craig Coffee regarding the 512 Lockhart Street project. He stated that staff is recommending approval with the proposed changes. Mr. Ramsey stated that they have addressed some of the neighbor's concerns. He pointed out that there is no room to build amenities but that there is a neighborhood park two blocks from the property. Mr. Ramsey stated he was available to answer questions.

John McComb, 344 Meadow Lane, Martindale and a Pastor at San Marcos Community Church stated he was speaking regarding item sixteen. He thanked the Commissioners and Mrs. Nelson for the efforts in working with the applicant and making things work out.

Sylvia Boasi spoke on behalf of Debbie Gonzales Ingalsbe, County Representative, expressed her full support for the San Marcos Community Church. She stated that the church will be a great asset to the area and is completely supported by the neighbors. She commented that her commitment continues in supporting working with the city on development and transportation needs to improve the quality, safety and health to the public. She thanked the Commission for their consideration.

Camille Phillips stated she was present to support her neighbors on Hopkins Street and friends in the Mill Street Subdivision. She asked the Commission to please deny the zoning change request on Hopkins Street. She added that mixed use has a variety of uses that are allowed and are not compatible to the neighborhood. She said we need to preserve the few neighborhoods in San Marcos. Ms. Phillips also asked the Commission to please protect the Mill Street neighbors. She suggested that the Commission deny the request and consider the neighbors recommendations.

Consent Agenda

6. Consider approval of the minutes from the Regular Meeting on August 9, 2011.

7. PC-11-30(03) (Promiseland Church - Final Plat). Consider possible action on a request by Hunter Shadburne, on behalf of Promiseland San Marcos, Inc. for statutory denial of a final plat for approximately 20.27 acres of property located at 1650 Lime Kiln Road.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted all in favor to approve on consent the minutes of the Regular Meeting on August 9, 2011 and PC-11-30(03) as submitted. The motion carried unanimously.

Public Hearing

8. PC-11-29(04) (Warren Subdivision). Hold a public hearing and consider possible action on a request by HMT Engineering and Construction, on behalf of Falcon International Bank, to vacate and replat Lot 2 of the Warren Properties Subdivision, and Lot 1, Warren Properties Subdivision Number 2 and establishing Lots 1A and 1B of the Warren Properties Subdivision Number 3, San Marcos, Hays County, Texas, located at 600 Wonder World Drive.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Wood, the Commission voted all in favor to approve PC-11-29(04). The motion carried unanimously.

9. LUA-11-17 (500 blk. of Hopkins Street). Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Joe Wissel, Edward Mihalkanin, Timothy Williamson, Richard Glaubinger, and Bernice Rainosek for approval of a Future Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) on 1.1 +/- acres being 1/2 Lot 7, 1/2 Lot 6, NW 1/2 Lot 5, Part of Lot 4, Lot 3, Block 2, Lindsey & Harvey Addition, located at 511, 517, 519-525, and 537 W. Hopkins Street.

Chair Taylor opened the public hearing.

Ryan Perkins, 727 W. Hopkins stated he was present to speak regarding item 9 as well as the Hopkins Street rezoning. As a resident on Hopkins Street, he stated his concern is once properties change hands. He pointed out that there is only so much weight that the Historic Preservation Commission holds. Mr. Perkins also stated he is concerned with a domino effect on Hopkins Street. He pointed out that Hopkins Street is a historic gateway to the community, as well as Belvin and San Antonio Street. Mr. Perkins spoke in opposition to the request and asked the Commission to consider all that comes along with the request. He added that the neighbors are willing to work with the city and come up with an alternative plan on how we can make this work with all the residents along Hopkins Street.

Jean Baggett 726 W. Hopkins, all homes requesting a zoning change are owner occupied homes and are zoned Low Density Residential which is part of the neighborhood. She said that the issue is that it is not one house but five homes in a row which is the entire 500 block of Hopkins Street. She pointed out that they are losing an entire block of their neighborhood to commercial. Ms. Baggett added that we need to draw the line to keep neighborhoods as they are with homes and families. She pointed out that Hopkins Street residents have met three times with Transportation Department to go over plans for Hopkins Street. She said they are going to lower the speed limit, limit weight restrictions on vehicles, and enhance the historical significance of the street. Ms. Baggett said that the zoning change will affect the general welfare of the neighborhood. She asked the Commission to vote no to the zoning change request. Please vote no for zoning change.

Allie Ackerman, 835 Hopkins quoted from the San Marcos Historic District Website. She added that Hopkins Street is the gateway to San Marcos and needs to be preserved. She asked the Commission to vote in opposition of the rezoning of Hopkins Street.

Greg Powell 1103 W. Hopkins stated that he concurs with the concerns stated during the meeting. Mr. Powell does not want to see property values decrease. He appreciates what the Historic Preservation does but feels that they do not have the police power.

Michael O'Conner, 612 Franklin spoke regarding items 9-14 Hopkins Street rezoning. He explained that he noticed there are six to seven buildings on Hopkins Street that are for lease. In addition there are plenty of buildings open for business in the downtown area. Mr. O'Conner spoke against the Hopkins Street zoning requests. He said we should hold on to what we have for our history of San Marcos. Mr. O'Conner would like to see the Historic District stay as it is.

Amy Meeks, 832 Belvin stated that she believes that the vote of the Commission makes a crucial difference on the town. She pointed out that she recently got off of the Historic Preservation Commission and sometimes the Historic Preservation Commission does not know the full process. She asked the Commission not to vote and allow the neighbors to have a discussion regarding the request. Ms. Meeks stated she is speaking in opposition of the request and is willing to speak more about the request.

Carl Brown 834 W Hopkins stated his home was built in 1909 and have had a number of people that have lived there before and come back and are trying to preserve the homes. He felt that there is a lot of history in the homes in the area. He feels that he needs to be a good steward of the history in his home and wants the Commission to do the same. Mr. Brown stated that he concurs with his neighbors comments. He said he noticed that traffic on Hopkins towards Wonder World Drive is backing up in front on his house at certain times of the day. He asked the Commission to push for the neighborhood and city staff to work together before action is taken.

Sean Welch, 529 Harvey, spoke in opposition to the request. He stated that the request does not bring any benefit to the Historic District or any of the surrounding neighborhoods. Mr. Welch said the neighborhood is a single family walkable community where you can walk anywhere for the amenities that one needs. He added that Hopkins is a very busy street, narrow and with many children, pets and families. He asked the Commission to vote no on the zoning change request.

Bridget Phillips, 529 Harvey stated her main concern is the property located at 537 Hopkins regarding entering and exiting the property. She is concerned with safety hazards and feels that people are encroaching in their neighborhood. Ms. Phillips stated that rezoning Hopkins will not make it pedestrian friendly and will not enhance the neighborhood. She stated that Hopkins residents can already walk or bike to downtown stores.

Karen Brown, 834 W. Hopkins, resident for over 30 years and have seen the neighborhood change. She asked the Commission not vote on the request. She said she concurs with what all the neighbors have said. Ms. Brown said they would like very much to work with the applicant and owners of the property. She added that if the properties are combined it will be detrimental to the neighborhood. She feels that the neighbors have been planning with the city to keep the historic value on Hopkins Street. Let's change for the better and not piece meal the neighborhood.

Michael Paynter 503 Harvey resident for 10 years stated that Harvey Street is a very narrow. His concern is that businesses on Hopkins will park on Harvey Street. Mr. Paynter said he is not speaking for or against the request but asked the Commission to consider how the change will affect people in the surrounding neighborhoods.

Frank Gomillion, applicant on behalf of property owners stated that there was no intent to raise this amount of concern and neighborhood opposition. He said his experience with the city is that they want to avoid spot zoning. He felt applying for multiple zoning changes would be welcomed. Mr. Gomillion stated that the city responded well and agreed with the City's comments. He explained that the business he currently is in GKZ Architect was an old building which was renovated so that his partner, Jeff Kester, could live and work in the same place. Mr. Gomillion stated that this is the intent of the zoning change. Mr. Gomillion said he was happy to answer questions.

Ed Mihalkinan, 517 W. Hopkins explained that the neighborhood has been fairly stable, but what is physically there has stayed the same in the last 21 years. Mr. Mihalkinan stated that he has no intention of tearing down a home that he has ever owned. He added that he is deeply committed to the neighborhoods of this town. Mr. Mihalkinan stated that he has no intention in knocking down his home. He would like to have mixed use zoning like the property across the street, GKZ Architects.

Bernice Rainosek, owner of 537 W. Hopkins, which is a double lot and has a drive through to Harvey Street. She stated that she has no intent to sell or tear down the property. Bought property 12 years ago and was MF-4. Ms. Rainosek said all she is asking is the flexibility to change zoning back to what it originally was which is MF-4 and allow her to have an office downstairs where she resides or possibly a bed and breakfast. Ms. Rainosek pointed out that commercial zoning is across the street.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan, the Commission voted two (2) for and five (5) against to deny LUA-11-17. The motion to deny failed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve LUA-11-17. The motion to approve carried.

10. ZC-11-23 (511 W. Hopkins Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Joe Wissel for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.19 +/- acres being ½ of Lot 7, Block 2, Lindsey & Harvey Addition 12-26, located at 511 W. Hopkins Street.

Chair Taylor opened the public hearing. Frank Gomillion, GKZ Inc., 516 W. Hopkins staff has done their due diligence and asked that the Commission approve the request. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve ZC-11-23. The motion to approve carried. Commissioners Bishop and Bryan voted no.

11. ZC-11-24 (517 W. Hopkins Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Edward Mihalkanin for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.198 +/- acres being ½ Lot 6, Block 2, Lindsey & Harvey Addition 12-26, located at 517 W. Hopkins Street.

12. ZC-11-25 (519-525 W. Hopkins Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Timothy Williamson for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.1908 +/- acres being NW ½ Lot 5, Block 2, Lindsey & Harvey Addition 12-26, located at 519 - 525 W. Hopkins Street.

13. ZC-11-26 (531 W. Hopkins Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Richard Glaubinger for approval of a zoning change from SF-4.5 Single Family Residential to Mixed Use (MU) for 0.203 +/- acres being Part of Lot 4, Block 2, Lindsey & Harvey Addition 12-26, located at 531 W. Hopkins Street.

14. ZC-11-27 (537 W. Hopkins Street) Hold a public hearing and consider possible action on a request by Frank Gomillion, on behalf of Bernice Rainosek for approval of a zoning change from SF-6 Single Family Residential to Mixed Use (MU) for 0.35 +/- acres being Lot 3, Block 2, Lindsey & Harvey Addition 12-26, located at 537 W. Hopkins Street.

Chair Taylor opened the public hearing for ZC-11-24; ZC-11-25; ZC-11-26; ZC-11-27.

Ed Mihalkanin, 517 W. Hopkins stated that he respects everyone's votes. He commented that the Commissioners are voting their conscious and what's the best interest of the community which he respects.

Bridget Phillips, 529 Harvey Street commented that the owner of 537 Hopkins states that she has no intention of selling the property but the future owners may change the intentions. She said that the property is a huge concern to her. In addition, there are huge traffic issues. Ms. Phillips said people are not interested in walking everywhere. She does not see the change as beneficial. Ms. Phillips would like the property owners to present a proposal of what they want to do with the properties. She encouraged the Commission to deny or postpone the request.

Bernice Rainosek, 537 W. Hopkins stated she has the double lot for residences. She said there should not be any changes to the property. Ms. Rainosek explained that the city has parking regulations for retail space and other uses. She added that parking also can define what could be allowed on the property. She asked the Commission to please consider the request.

Richard Glaubinger, 531 W. Hopkins said he has spent a lot of time remodeling the house and has not intention of tearing it down. He stated that his basic interest is to have his office downstairs. Mr. Glaubinger explained that he and Ms. Rainosek had the same intent and was advised that the city would not allow spot zoning. Therefore, he petitioned the other property owners. He pointed out that people who spoke in opposition are located outside the 200' buffer or tenants.

Sean Welch, 529 Harvey Street said he is not against building an office inside their house but he did not hear about the request until the day of the meeting. He asked the Commission not to approve the request. Mr. Welch said his concern is the longevity of future uses.

Kathryn Stone, 530 Harvey, homeowner stated that when they received the notice they did not know what the proposed change would be. She felt residents feared the change and not knowing what the long term goals are going to be. Ms. Stone said she loved the idea of multi use and could possibly one day have a home office in her current home.

Robin Harry, 503 Harvey Street said she didn't like that she didn't know what was going on until she received notice in the mail. Ms. Harry said she didn't understand why the requests could not have been submitted individually. She said she doesn't know what to believe and that they deserve a better explanation.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Bishop, the Commission voted three (3) for and four (4) against to approve LUA-11-24; LUA-11-25; LUA-11-26 and deny LUA-11-27. The motion failed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted five (5) for and two (2) against to approve LUA-11-24; LUA-11-25; LUA-11-26; and LUA-11-27 as submitted. The motion carried.

15. WPP2-11-10 (Holt Property) Hold a public hearing and consider possible action on a request by Byrn & Associates, Inc., on behalf of Armbruster Holt, LTD, for a Qualified Watershed Protection Plan Phase 2 for reclamation of floodplain within a tract of approximately 36 acres at the northeast intersection of IH-35 and East River Ridge Parkway.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Wood, the Commission voted all in favor to approve WPP2-11-10. The motion carried unanimously.

Consideration

16. PVC-11-03 (San Marcos Community Church). Consider a request by San Marcos Community Church, on behalf of Texas Conference Association of 7th Day Adventists, for a variance to Section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for an approximately 22.99 acre tract out of the Rebecca Brown Survey in Hays County, Texas.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Bishop, the Commission voted all in favor to approve PVC-11-03 with a condition of dedication of up to two segments of right-of-way up to 65 feet in width at the time of platting in order to provide additional connectivity to the surrounding properties. The motion carried unanimously.

17. ZC-11-22 (Lockhart Street- Discussion and Action). Consider a request by Ramsey Engineering on behalf of Craig A. Coffee for a zoning change from Duplex Restricted (DR) to Townhome (TH) for approximately 1.10 acres, Lots 38, 39, and 50 of the AM Ramsay Subdivision, located at 512 Lockhart Street.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers, the Commission voted three (3) for and four (4) against to approve ZC-11-22 with conditions. The motion to approve failed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) for and three (3) against to deny ZC-11-22. The motion to deny carried.

18. PDD-11-06 (Lockhart Street- Discussion and Action). Consider a request by Ramsey Engineering on behalf of Craig A. Coffee for a PDD overlay district for approximately 1.10 acres, Lots 38, 39, and 50 of the AM Ramsay Subdivision, located at 512 Lockhart Street.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) for and three (3) against to deny ZC-11-22. The motion to deny carried.

19. Discussion Items.

Commissioner Bishop requested a power point and aerial map for future zoning change requests. He congratulated staff on the MyPermit Now software being approved by City Council.

Commissioner Morris suggested that Land Development Code sections be indicated on the staff reports. In addition he requested a report stating what land uses are permitted in zoning change requests.

Development Services Report

- a) Update on the community vision session – Dream San Marcos.

Matthew Lewis gave an update on Dream San Marcos. He invited the Commission to logon to www.sanmarcostx.gov/ideas and enter their ideas and view others. Mr. Lewis also invited the Commission to the Big Event on October 15 where citizens will present their ideas.

Commissioners' Report

Bill Taylor stated he attended a Dream San Marcos visioning meeting. He said it is very interesting. The whole community is involved.

20. Questions and answers from the Press and Public.

There were no questions from the public.

21. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 9:30 p.m. on Tuesday, August 23, 2011.

Bill Taylor, Chair

Chris Wood, Commissioner

Sherwood Bishop, Commissioner

Travis Kelsey, Commissioner

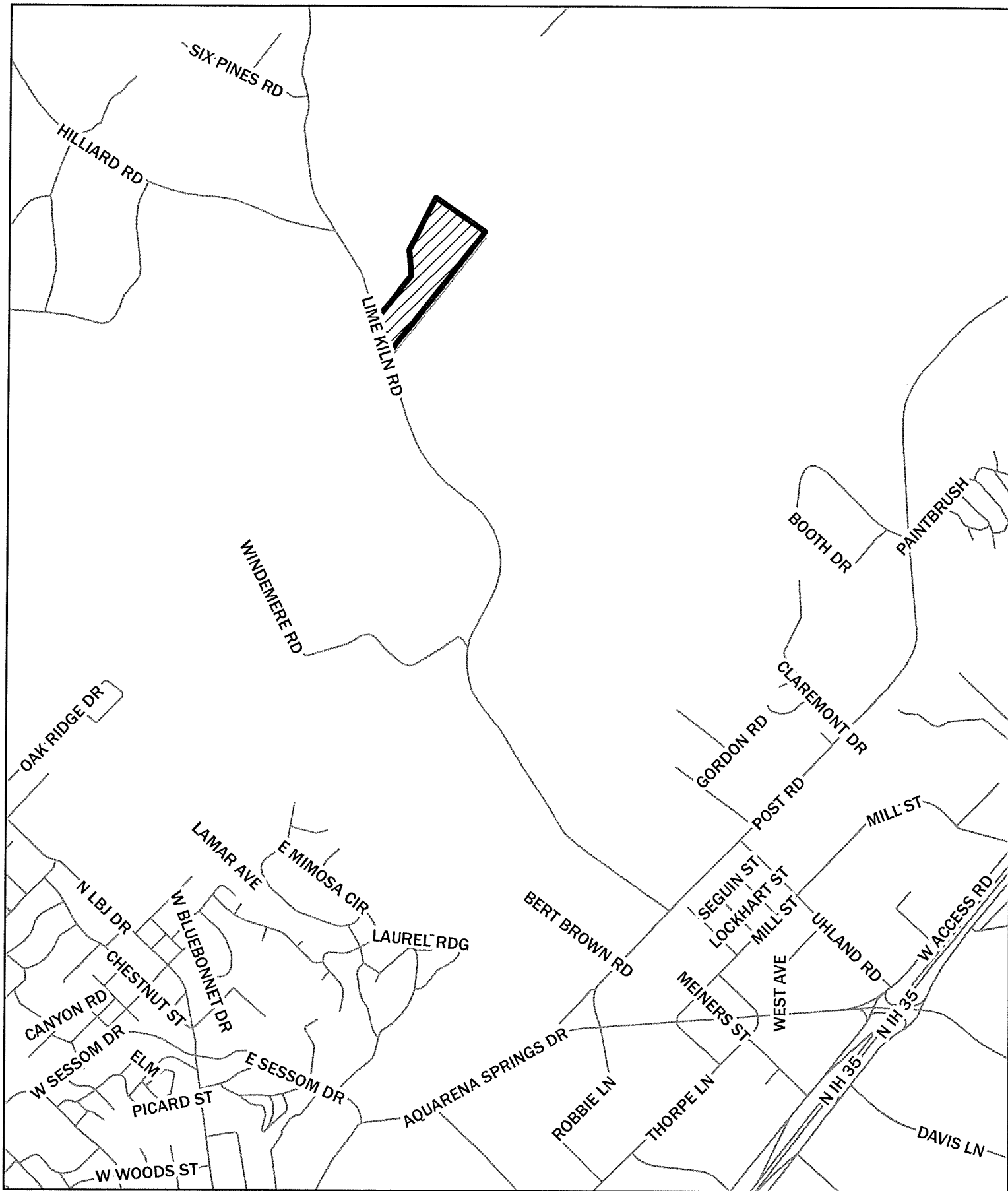
Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary



PC-11-30(03)

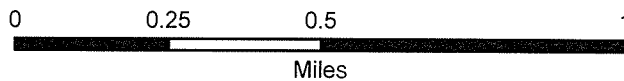
Promiseland San Marcos

Map Date: 9/07/11



Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PC-11-30(03) Final Plat, Promiseland Church



Applicant Information:

Agent: Hunter Shadburne
2708 S. Lamar Blvd. Suite 200 A

Property Owner: Promiseland San Marcos, Inc.
1650 Lime Kiln Road
San Marcos, Texas 78666

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Promiseland Church

Subject Property:

Summary: The subject property is approximately 32 acres in size and is located at the intersection of Cowan Road and Lime Kiln Road, in the City's ETJ. The plat is proposing to establish a 19.7 acre parcel along with a development reserve of approximately 12 acres in size.

Zoning: Property is in the ETJ.

Traffic/ Transportation: The property fronts both on Lime Kiln Road and Cowan Road. Right-of-way dedication is required for both streets and is reflected on the plat.

Utility Capacity: The development will be served by an on-site sewage facility and will gain water service from an on-site well.

Planning Department Analysis:

The subject property is currently owned and used by Promiseland Church. The church is proposing to develop two additional buildings and an additional parking area. While the size of the property exempts the Church from the subdivision plat process the property is subject to the platting requirements associated with the development of a property and the dedication of right-of-way.

Due to the property's location over the Edwards Aquifer Recharge Zone the property was subject to a watershed protection plan and approval of a Water Pollution Abatement Plan by TCEQ. This plat has been reviewed for consistency with existing City Ordinances and policies as a result staff is recommending **approval** of the plat as submitted.

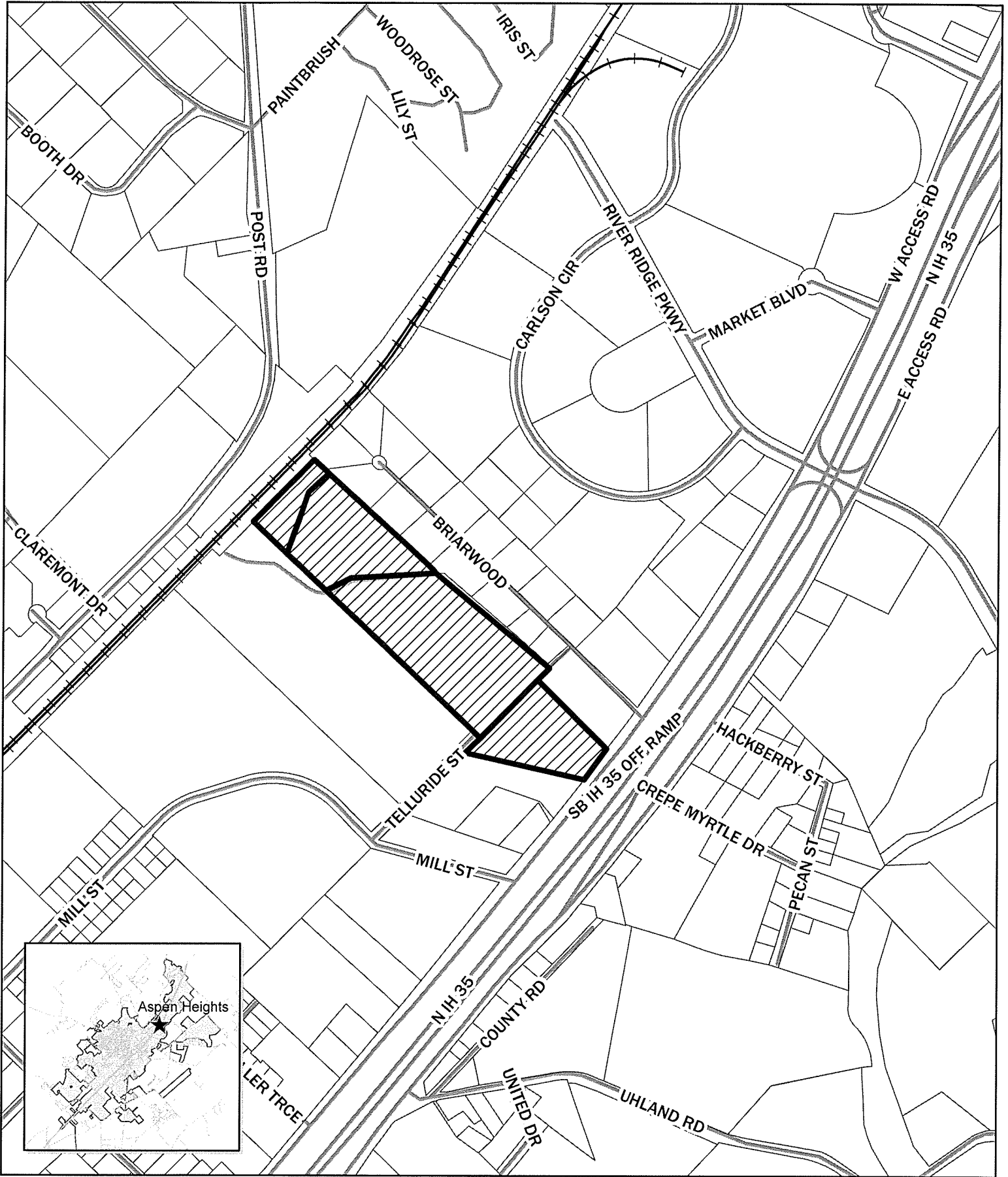
Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

The Commission's Responsibility:


The Commission is charged with making the final decision regarding this proposed Final Development Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

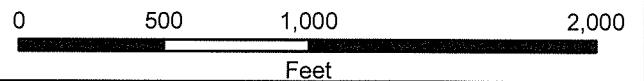
Sofia Nelson	Chief Planner	September 6, 2011
Name	Title	Date



PC-11-14(03)
Aspen Heights
Map Date: 9/07/11

●  Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Final Plat

PC-11-14(03) Aspen Heights Ph 2



Applicant Information:

Applicant:

Aspen Heights
1301 S. Capital of Texas Hwy
Suite B-201
Austin, Texas 78746

Property Owner:

90 San Marcos Ltd & DRFM Investments
Tony Kalantari Majid Hemmasi
1124 Rutland Dr 6700 Guadalupe St
Austin, TX 78752 Austin, TX 78752

Applicant's Agent:

David C. Williamson, R.P.L.S
Byrn & Associates, Inc.
1115 Hwy 80
San Marcos, TX 78666

Notification:

Notification not required

Type & Name of Subdivision:

Final Plat, Aspen Heights Phase 2

Subject Property:

Summary:

The subject property is located at the terminus of Telluride Street between the Missouri Pacific Railroad and IH-35. This is the final plat for Phase 2 of the Aspen Heights residential development and includes 22.90 acres. This subdivision is Phase 4, the final phase, of the 90 San Marcos Concept Plan and is the proposed site of a student housing complex and commercial site. The Preliminary Plat for this site was approved on June 14, 2011.

Traffic / Transportation:

The owner will dedicate R-O-W and construct the roadway extension of Telluride Street for approximately 550 feet, terminating into a temporary turn-around on the adjacent tract. The owner will also dedicate R-O-W and construct the connector street from Telluride Street to IH 35.

Utility Capacity:

The City of San Marcos will provide water and wastewater service to the site.

Parkland Dedication:

The parkland dedication for this site is being satisfied through a fee-in-lieu of dedication that will be required to be paid prior to recordation of the plat.

Zoning:

17.54 Acres MF-12 (Multi-Family Residential), and
3.96 Acres GC (General Commercial)

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	Unzoned & MF-24/18	Single-Family Undeveloped
W of Property	MF-18 & MF-24	Medium & High Density Residential
S of Property	MF-12	Medium Density Residential
E of Property	GC	Commercial

Planning Department Analysis:

The purpose of a Final Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Land Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this Land Development Code to enable initiation of site preparation activities for any lot or tract subject to the plat.

Staff has reviewed the request and has made the following findings:

- The Watershed Protection Plan and the Public Improvement Construction Plans have been deemed substantially approved.
- TxDot has approved the utility installation permit for the utilities that will be installed within the TxDot ROW.
- Two temporary 20' Public Utility Easements are necessary for electric utility improvements in the area. The City and the property owner are in the process of finalizing the PUE's via separate instrument.

Staff is recommending approval of the plat conditional on the recordation of the required temporary public utility easements, posting surety for the public improvements, and payment of the parkland fee-in-lieu prior to the recordation of the plat.

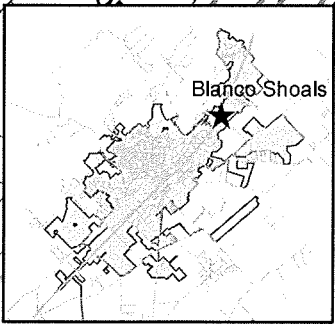
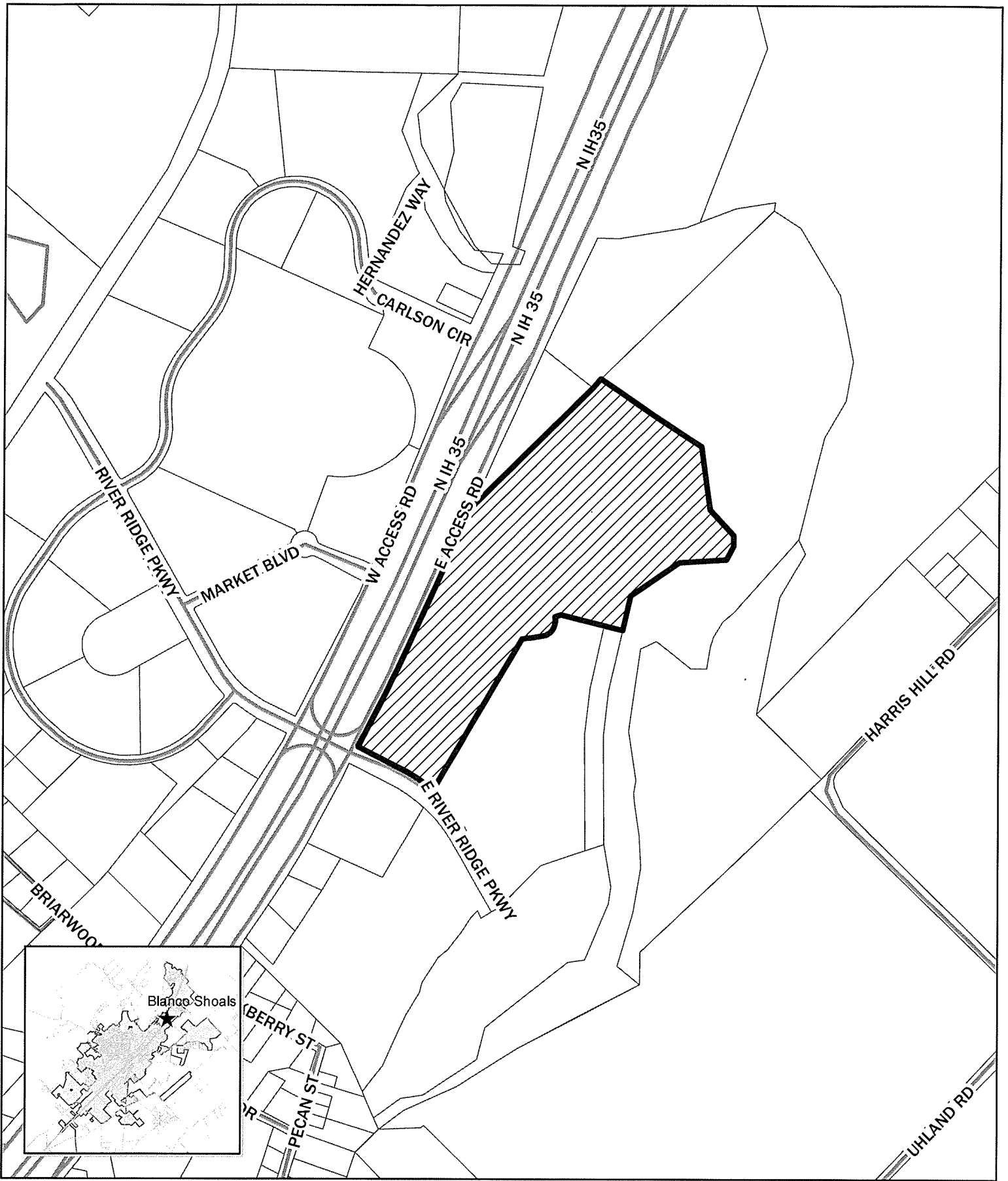
Planning Department Recommendation	
X	Approve with Conditions
	Approve
	Denial

The Commission's Responsibility:


The Commission is charged with making the final decision regarding this proposed final plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, approve with conditions, or deny the plat.

Prepared By:

Sofia Nelson, Chief Planner



PC-11-26(03)
Blanco Shoals
Map Date: 9/07/11

•  Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



0 500 1,000 2,000
 Feet

PC-11-26(03) Final Plat Blanco Shoals



Applicant Information:

Property Owner: Armbruster Holt, Ltd.
PO Box 2183
Manchaca, Texas 78652

Agent: Byrn and Associates, Inc.

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Blanco Shoals Subdivision

Subject Property:

Summary: The subject property is located east of I-35 at the intersection of the north bound frontage road and River Ridge Pkwy. The Land Development Code and Texas Local Government Code requires action to be taken on a plat within 30 days. This plat was submitted on August 16th and as a result will require action prior to September 15th. Staff has issued comments however the applicant has not yet addressed all of the comments. Staff is recommending statutory denial of the plat in order to keep the plat in process. Staff has discussed this recommendation with the applicant and the applicant has indicated that the plat will be amended to address staff comments and will be ready for P&Z's review on September 27th.

Zoning: The property is zoned MF-18 and General Commercial.

Planning Department Analysis:

Planning Department Recommendation	
	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
X	Statutory Denial

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Concept Plan. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

Sofia Nelson	Chief Planner	September 6, 2011
Name	Title	Date

LUA-11-18

Land Use Map Amendment

525 W. Hutchison



Summary:

The applicant is requesting a Land use Map Amendment from Public to Medium Density Residential (MDR)

Agent:

ETR Development
401 Dryden Lane
Buda, TX 78610

Owner:

Aqua-Finn (Aqualand)
103 E. 5th St. Suite #204
Austin TX 78701

Notification:

Personal notice sent to all property owners within 200 feet of the subject property and signs posted on September 2, 2011

Response:

None as of date of report publication.

Subject Property:

Location:

525 W. Hutchison

Legal Description:

Lindsey & Harvey Addition Lock 3 Part of Lot 15

Sector:

Sector 1

Current Zoning:

Public and Institutional (P)

Proposed Zoning:

Multifamily (MF-12)

Current Future Land Use Map Designation:

Public

Proposed Future Land Use Map Designation:

Medium Density Residential

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	Mixed Use (MU)	Residential	Medium Density Residential
S of Property	Townhouse (TH)	Residential	Medium Density Residential
E of Property	Multi-family (MF-24)	Residential	High Density Residential
W of Property	Public and Institutional (P)	SMCISD Offices	Public

Case Summary: Proposed Land Use Map Amendment from Public (P) to Medium Density Residential (MDR).

The subject property is an unplatted 0.182 acre tract located along West Hutchison Drive, northeast of the intersection with Blanco Street. This request is proceeding concurrently with a zoning change from P to MF-12 for the same portion of the property. The applicant intends to convert the existing church into a two-unit housing structure.

Planning Department Analysis:

Medium Density Residential (MDR) land uses have a density range of six to twelve dwelling units per acre and may include a variety of residential types such as duplexes, triplexes, fourplexes, townhomes, and zero lot-line homes. A variety of housing types may be allowed, so long as the overall density within a specific development or area is between six and twelve dwelling units per acre.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 1 Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities. <i>Comments: Existing city utilities are in place to serve this property, and the site is already developed.</i>
X			Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations. <i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i>
X			Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.
X			Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished. <i>Comment: There are numerous nearby amenities, and this request will not diminish quality of life</i>
X			Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities. <i>Comment: The process of determining the need for multi-family units is ongoing. All adjacent tracts are multi-family, though the blocks to the south and east begin to transition to single-family</i>
X			Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion. <i>Comment: A variety of commercial uses, as well as the Square and the University are within walking distance</i>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: The thoroughfare plan classifies Hopkins and Moore as minor arterials. Access to each allows for trip distribution.</i></p>
		X	<p>Policy LU-4.4: The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p> <p><i>Comment: The site is relatively small, but the existing structure may be reused so long as the parking requirement is met, or the site may be redeveloped if it can be shown to comply with all current codes.</i></p>
X			<p>Policy LU-5.6: The City shall not allow the rezoning any property to a more intensive residential district without proof that the street system, utilities, drainage, and other requirements are adequate for the proposed density.</p> <p><i>Comment: All utilities are in place and adequate.</i></p>

The Sector 1 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. The request is consistent with these general goals. The request is within an area defined in the plan as "Mixed Use Neighborhoods." These areas generally have a variety of housing densities and types, including single-family homes, duplexes, and small apartment buildings. These areas are intended to be preserved as predominantly single-family areas. In general, the development currently on a tract should serve as the future land use, although improvements and redevelopment are encouraged.

Proposed changes to a higher density can be considered on a case-by case basis and should be reviewed based on the surrounding uses and potential impacts to the surrounding neighborhood, including noise, traffic, etc. This proposal is consistent with the surrounding neighborhood and because of its size will have minimal impacts.

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector 1 Plan and recommends approval.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

Prepared by:

John Foreman

Planner

September 6, 2011

Name

Title

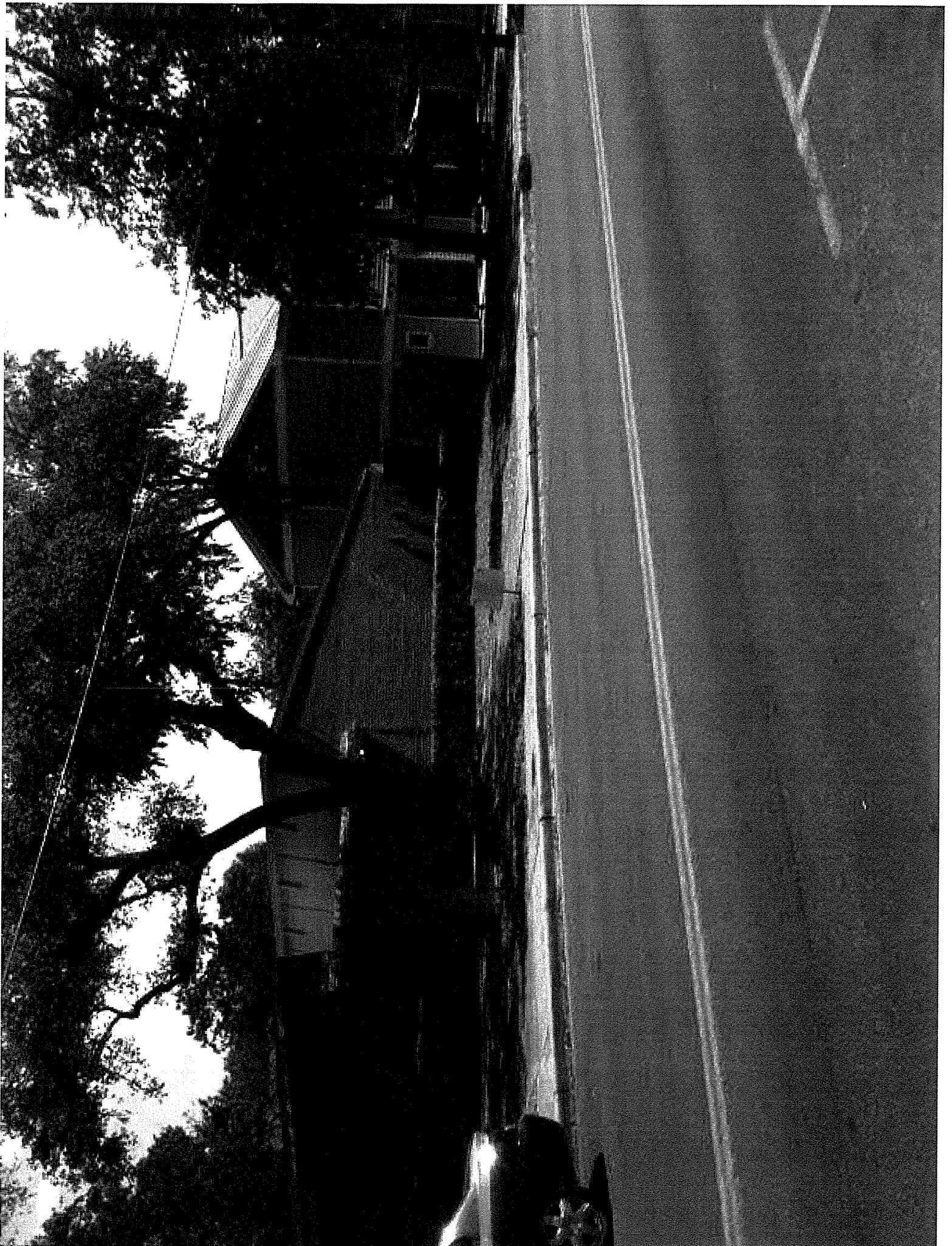
Date

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

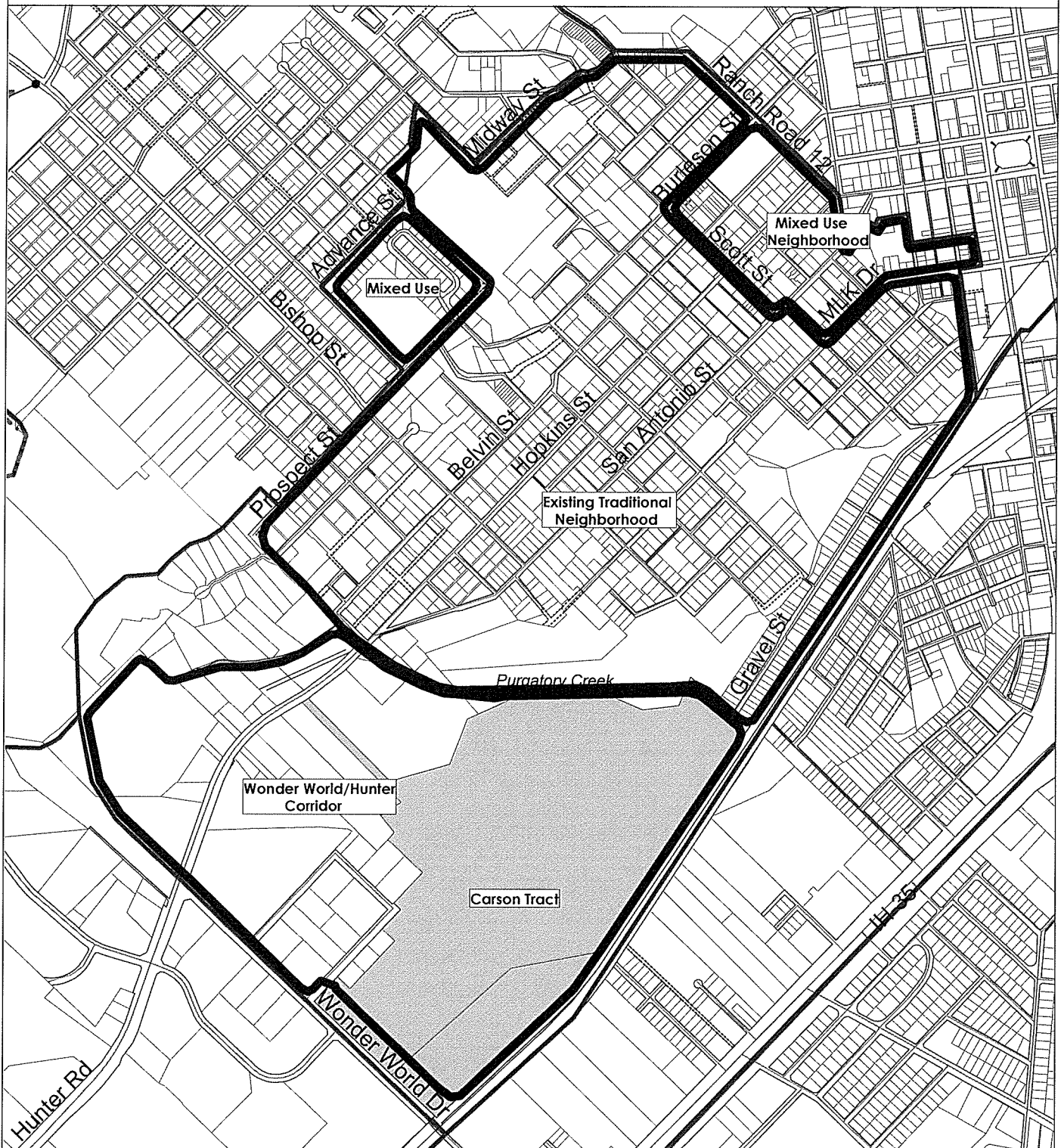
After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

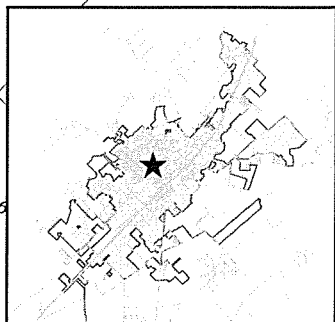


Map 7: Community Character Areas

City of San Marcos Sector One Plan



City of San Marcos
Planning and Development Services
Adopted: September 13, 2004

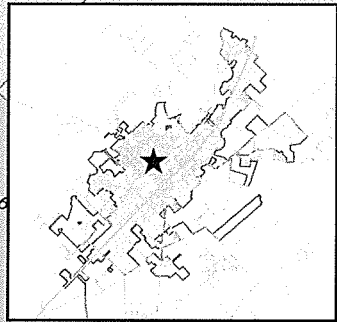


Historic District

0 37.5 75 150

Feet





The figure consists of a 3x3 grid of images. The top row shows a simple rectangular frame with a dotted pattern. The middle row shows a more complex frame with a diagonal line and a dotted pattern. The bottom row shows a fully detailed, textured mask with a grid of small squares.

Site Location
Historic District



A horizontal number line with tick marks at 0, 37.5, 75, and 150. The word "Feet" is written below the line.

Zoning Change

ZC-11-28

525 W. Hutchinson



Summary: The applicant is requesting a zoning change from Public (P) to Multi-Family – 12 (MF-12)

Agent: ETR Dev. Con., LLC
401 Dryden Ln
Buda, TX 78610

Owners: Aqua-Finn (Aqualand)
103 E. 5th St. Suite #204
Austin TX 78701

Notification: Personal notifications of the public hearing were mailed on Friday, September 3rd, 2011 to all property owners within 200 feet of the subject property.

Response: No Comments have been received by staff at this time

Property/Area Profile:

Legal Description: Lindsey & Harvey Addition Block 3 Part of Lot 15
Location: 525 W. Hutchinson
Existing Use of Property: Vacant Church
Proposed Use of Property: Multi-Family
Future Land Use Map: Public (P)
Existing Zoning: Public (P)
Proposed Zoning: Multi-Family – 12 (MF-12)

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	P	San Marcos CISD	P Public
S of Property	MF-24	Multifamily Residential	High Density Residential
E of Property	MU/ MF 12	Multifamily Residential	Medium Density Residential
W of Property	TH	Town Homes	Medium Density Residential

Planning Department Analysis

The subject property consists of one lot fronting on Hutchison Street within the Lindsey & Harvey subdivision totaling .182 acres. The subject property backs up to the Hopkins Street Historic District. The proposed zoning change from Public (P) to Multifamily -12 (MF-12) will allow for the creation of two (2) residential units on this property. This request is proceeding concurrently with a Future Land Use Map Amendment from Public (P) to Medium Density Residential (MDR).

The property is currently improved with one building reported to be vacant for several years. Surrounding uses include multifamily public and townhouse land uses. The applicant is proposing to retain the existing structure and is proposing to renovate both the exterior façade and the interior lay-out in order to accommodate two (2) individual units and a total of seven (7) bedrooms on the property.

The MF-12 residential district is intended for development of multiple-family, apartment residences at not more than 12 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development or high traffic roadways. This proposed re-zoning is surrounded by multi-family developments and is in close proximity to both Old Ranch Road 12 and Hopkins Street. The MF12 district stipulates a minimum lot area of 3,630 square feet or .083 acres per dwelling unit; the subject property does meet this requirement. The applicant has indicated that they will work with staff and the surrounding property owners to accommodate the required parking.

Staff has reviewed and analyzed the request and has made the following observations:

- While the requested rezoning is not consistent with the future land use designation currently in place it is consistent with surrounding land uses and the density of the surrounding developments.
- Existing improvements on the property do not appear to leave adequate space for all required off-street parking. The use of an alternative parking plan may be employed and will have to be approved prior to the issuance of a building permit.

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps <i>The future land use designation of the property is Public (P). A future land use map amendment to Medium Density residential (MDR) has been submitted concurrently with this request. The request does support both Sector 1 plan goals and Horizon's Master Plan goals of providing for adequate space in appropriate locations for residential development</i>
X		Consistency with any development agreement in effect <i>No development agreements are in effect for this property.</i>
X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
		<i>The proposed changes and applicable standards will be complimentary to adjacent uses. However the applicant will need to demonstrate that they can provide adequate off street parking for all residents and guests prior to the issuance of a building permit.</i>
X		<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>Infrastructure for residentially-scaled uses is in place.</i></p>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Staff has not indicated any factors that will substantially affect public health, safety, morals, or general welfare</i></p>

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Abigail Gillfillan

Planner

September 6, 2011

Name

Title

Date